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APPLICATION NO.	FI	LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO. 9876
09/909,101	(	07/19/2001	Jonathan J. Langberg	MITRAL.ICPIDI	
20995	7590	09/09/2003			
		IS OLSON & BE	EXAMINER		
2040 MAIN FOURTEEN		)R	CHATTOPADHYAY, URMI		
IRVINE, CA	92614			ART UNIT	PAPER NUMBER
				3738	
				DATE MAILED: 09/09/2003	12

Please find below and/or attached an Office communication concerning this application or proceeding.

## Application N   Display   Displa	9					ΛK			
Examiner   Art Unit   3738	ı		Applicat	ion N .	Applicant(s)				
Urmi Chattopathyay   3738    - The MAILING DATE of this communication appears on the cover sheet with the correspondence address			09/909,	101	LANGBERG ET A	AL.			
Period for Reply  A ShORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Elements of them may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a reply be timely filed after 51k (b) MONTH(S) is specified above, the making alle of this communication.  If the period for reply is specified above, the maximum statutory period will apply and will apply and will supply		Office Action Summary	Examine	er	Art Unit				
A S-I-ORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a reply be timely filed after St X (s) (MONTH'S from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days are play within the statutory minimum of thirty (30) days will be concidered timely.  - If the period for reply within the act or candend period for reply within the statutory, minimum of thirty (30) days will be concidered timely.  - If all the period for reply within the act or candend period for reply within the attention, and will explay and will expire StX (9) MONTH'S from hamming date of this communication.  - Failure to reply within the act or endended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earred patient term adjustment. See 37 CFR 1.70(b).  Status  1) □ Responsive to communication(s) filed on 23 May 2003.  2a) □ This action is FINAL. 2b) □ This action is non-final.  3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) □ Claim(s)			Urmi Ch	attopadhyay	3738				
THE MAILING DATE OF THIS COMMUNICATION.  - Examination of time may be variable under the provisions of 3 CER 1.38(a). In no event, however, may a reply be timely filled after SIX (6) MONTH'S from the mailing date of this communication.  - If the period for peply specified above, it best than thirty (20) days, a reply within the statutory minimum of thirty (30) days will be considered filmely.  - If NO period for reply is specified above, it has maint in thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered filmely.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTH'S from the mailing date of this communication, even if timely filed, may reduce any searned patient term adjustment. See 37 CFR 1.704(b).  - Aver yelly received by the Cition last than three months after the mailing date of this communication, even if timely filed, may reduce any searned patient term adjustment. See 37 CFR 1.704(b).  - Status  - This action is FINAL.  - 2b)			ation appears on th	ne cover sheet with	h th correspondenc ac	idress			
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		application from the Interna	tional Bureau (PC	T Rule 17.2(a)).		i Stage			
						al application).			
a) ☐ The translation of the foreign language provisional application has been received.  15)☑ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.	a) [	☐ The translation of the foreign lang	juage provisional a	application has be	en received.				
Attachment(s)	,—	•	py						
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s)  4) Interview Summary (PTO-413) Paper No(s). 12 .  5) Notice of Informal Patent Application (PTO-152)  6) Other:	1) Notice of 2) Notice of	of References Cited (PTO-892) of Draftsperson's Patent Drawing Review (PT		5) Notice of I					



Application/Control Number: 09/909,101

Art Unit: 3738

## Response to Amendment

The amendment filed 5/23/03 has been entered as Paper No. 10. Claims 7-22 remain withdrawn from consideration and new claims 23-81 have been added.

## Election/Restrictions

This application contains claims directed to the following patentably distinct species and subspecies of the claimed invention:

- 1) Time of Hemodynamic Function/Degree of Regurgitation Monitoring
  - a. prior to manipulation/tightening step
  - b. during manipulation/tightening step
    - c. following manipulation/tightening step
- 2) Locking Step
  - a. engaging a first threaded surface with a second threaded surface
    - b. ratchet
    - c. moving engagement surface from disengaged to engaged configuration
    - d. interference fit
    - e. adhesive bond
    - f. knot
    - g. compression fit
- 3) Method of Hemodynamic Function Monitoring
  - a. transesophageal echocardiography
    - b. surface echo cardiographic imaging



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c. intracardiac echo cardiographic imaging

d. fluoroscopy with radiocontrast media

e. left atrial or pulmonary capillary wedge pressure measurements

## 4) Anchor

- a. distal extension of implant
- b. friction engaging surface

Applicant is required under 35 U.S.C. 121 to elect a single disclosed subspecies under each species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1 and 46 are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a **listing of all claims** readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the

examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ms. Urmi Chattopadhyay whose telephone number is (703) 308-8510 and whose work schedule is Monday-Friday, 9:00am – 6:30pm with every other Friday off. The examiner's supervisor, Corrine McDermott, may be reached at (703) 308-2111. The group receptionist may be reached at (703) 308-0858.

Should the applicant wish to send a fax for official entry into the file wrapper the Group fax number is (703) 872-9306. Should applicant wish to send a fax for discussion purposes only, the art unit fax number is (703) 308-2708.

Urmi Chattopadhyay

Art Unit 3738

September 8, 2003

David J. Isabella Primary Examiner